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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,971	09/20/2005	Arthur Edward Thomas	2105-00022	3454
26753	7590	07/10/2008	EXAMINER	
ANDRUS, SCEALES, STARKE & SAWALL, LLP			KAFANTARIS, THEOLOGOS G	
100 EAST WISCONSIN AVENUE, SUITE 1100				
MILWAUKEE, WI 53202			ART UNIT	PAPER NUMBER
			3714	
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			07/10/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/549,971	THOMAS, ARTHUR EDWARD	
	<b>Examiner</b>	<b>Art Unit</b>	
	THEOLOGOS KAFANTARIS	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 September 2005.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 September 2005 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/20/2005</u>   | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2 and 5-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Novomatic (WO 00/43088).

With respect to claim 1, Novomatic teaches a gaming apparatus comprising:

- a user interface comprising:
  - first display means for displaying a plurality of player symbols arranged in main game player sets each comprising a sequence of symbols and each corresponding to a respective one of a group of main games (Fig. 1, displaying the player ticket); and
  - second display means for displaying a plurality of randomly-selected symbols arranged in main game random sets each comprising a sequence of symbols and each corresponding to a respective one of said main games (Fig. 1, displaying 6 cards with randomly-selected symbols); and
  - input means operable by the user for selecting symbols to form a sequence thereof, the first display means being operable to display that sequence as a main game player set (Page 5, lines 26-31, describing touch-screen monitors); and

- processing means for selecting said randomly-selected symbols ,  
said processing means further incorporating calculating means  
operable to calculate
  - (i) a main game win for a player by comparing a main game  
player set with a corresponding main game random set  
(Page 7, lines 3-7, describing the main criteria for winning),  
and
  - (ii) a bonus game win for a player by comparing a bonus  
symbol set formed by the symbols at a predetermined  
position in the sequences of the main game player sets with  
a random bonus game set formed by the symbols at a  
predetermined position in the sequences of the main game  
random sets (Page 9-10, lines 22-5, describing the third, or  
bonus, criteria for winning).

With respect to claim 2, Novomatic teaches that each of the symbols in each main game player set forms part of a respective bonus symbol set for which the calculating means is operable to calculate a win (Page 9-10, lines 22-5, where the same selections for criteria 1 are used for criteria 3).

With respect to claim 5, Novomatic teaches that the machine is operable to randomly select symbols to supplement player-selected symbols used in previous main games in order to form one or more bonus symbol sets, the number of supplementary symbols being dependent on the number of displayed main game player sets (Page 2, lines 11-14, where symbols are assigned as necessary to supplement symbol sets).

With respect to claim 6, Novomatic teaches that the machine is operable to substitute randomly-selected symbols for already-selected symbols used in previously-played main games so as to affect subsequent bonus game win calculations (Page 2, lines 11-14, where symbols are assigned as necessary to supplement symbol sets).

With respect to claim 7, Novomatic teaches that the processing means is operable to randomly select the symbols of each main-game random set using a "without replacement" procedure from a predetermined larger set, whereby the possibility of duplicate symbols within a main game random set is avoided, while duplicate symbols may appear within bonus game sets (See Fig. 3, where the player is capable of selecting the same number on different cards, where the selection of symbols is not duplicated for each individual card, and where aligning the players cards in a matrix for the bonus game can cause duplicate symbols).

With respect to claim 8, Novomatic teaches that the machine is operable to arrange the symbols selected by the player in a random manner to obtain the sequence forming a main game player set (Page 6, lines 30-32, where the symbols are arranged randomly).

With respect to claim 9, Novomatic teaches that within each main game player set, the symbols are displayed in a sequence corresponding to the order in which they were selected (Page 6, lines 30-32, where the symbols are arranged progressively).

With respect to claim 10, Novomatic teaches that wherein the symbols within each main game player set are alpha-numerical, and are arranged within each set in alpha-numerical order (Page 7, lines 8-10, where the symbols are arranged numerically).

With respect to claim 11, Novomatic teaches a means for selecting symbols to be treated by the calculating means as wild card symbols for the purpose of calculating bonus game wins (Page 6, lines 26-29).

With respect to claim 12, see the rejection with respect to claim 1.

With respect to claim 13, Novomatic teaches a housing supporting the user interface and the processing means (Page 4, lines 2-4).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novomatic, as applied to claims 1-2 and 5-13 above, and Official Notice.

With respect to claims 3 and 4, Novomatic teaches the machine of claim 1. Novomatic does not teach that the bonus game is entered randomly, or that there are a random number of bonus games. Official notice is taken that randomly entering bonus games and randomly assigning a number of bonus games were well known in the art at the time the invention was made. Thus, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Novomatic to randomly enter the bonus game and to randomly assign a number of bonus games to play because it would have enticed players to continue playing in hopes of randomly entering a bonus round, thus increasing their chances of winning regardless of the result of the main game.

With respect to claims 14-17, Novomatic teaches the machine of claim 1.

Novomatic does not teach a multi-terminal gaming system operated by a server with capabilities of remote access. Official notice is taken that networking wagering games to servers, as well as implementing terminals with remote access, were well known in the art at the time the invention was made. Thus, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Novomatic to include multi-terminal networked machines as well as having remotely accessible terminals because it would have allowed the centralized management of many terminals, resulting in less maintenance for the machines and more profits for the owner.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THEOLOGOS KAFANTARIS whose telephone number is (571) 270-3845. The examiner can normally be reached on Monday-Thursday 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TGK

/XUAN M. THAI/  
Supervisory Patent Examiner, Art Unit 3714